

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
KNOXVILLE DIVISION

FILED

2015 SEP 17 P 2:24

CATHERINE GEBHARDT

Plaintiff

VS.

Civil Action Number 3:15-CV-286-TAV-HBG

BEAL FINANCIAL  
CORPORATION ET AL

Defendants

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ANSWER TO PLAINTIFF'S VERIFIED COMPLAINT

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COMES NOW your Defendant, DOUGLAS E. TAYLOR, and presents this Answer To Verified Complaint, and would respectfully show unto this Honorable Court the following:

**PARTIES. JURISDICTION AND VENUE**

1. With respect to the allegations of ¶ one, Defendant is without sufficient information to either admit or deny said averments which are hereby denied and strict proof of same is demanded.
2. With respect to the allegations of ¶ two, Defendant is without sufficient information to either admit or deny said averments which are hereby denied and strict proof of same is demanded.
3. With respect to the allegations of ¶ three, Defendant is without sufficient information to

either admit or deny said averments which are hereby denied and strict proof of same is demanded.

4. With respect to the allegations of ¶ four, Defendant is without sufficient information to either admit or deny said averments which are hereby denied and strict proof of same is demanded.

5. With respect to the allegations of ¶ five, Defendant is without sufficient information to either admit or deny said averments which are hereby denied and strict proof of same is demanded.

6. With respect to the allegations of ¶ six, said averments are hereby admitted. Defendant is a citizen and resident of Sevier County, Tennessee.

7. With respect to the allegations of ¶ seven, it is denied this Court has jurisdiction over Defendant. Both Plaintiff and Defendant are citizens and residents of Sevier County, Tennessee, and there is no diversity between Plaintiff and Defendant. All other allegations of said paragraph are denied and strict proof of same is demanded.

8. With respect to the allegations of ¶ eight, Defendant is without sufficient information to either admit or deny said averments which are hereby denied and strict proof of same is demanded.

**CAUSE ONE  
FRAUD IN THE FACTUM AT MORTGAGE ORIGINATION**

9. With respect to the allegations of ¶ nine, Defendant is without sufficient information to

either admit or deny said averments which are hereby denied and strict proof of same is demanded.

10. With respect to the allegations of ¶ ten, Defendant is without sufficient information to either admit or deny said averments which are hereby denied and strict proof of same is demanded.

11. With respect to the allegations of ¶ eleven, Defendant is without sufficient information to either admit or deny said averments which are hereby denied and strict proof of same is demanded.

12. With respect to the allegations of ¶ twelve, Defendant is without sufficient information to either admit or deny said averments which are hereby denied and strict proof of same is demanded.

13. With respect to the allegations of ¶ thirteen, Defendant is without sufficient information to either admit or deny said averments which are hereby denied and strict proof of same is demanded.

14. With respect to the allegations of ¶ fourteen, Defendant is without sufficient information to either admit or deny said averments which are hereby denied and strict proof of same is demanded.

15. With respect to the allegations of ¶ 15, any “Exhibit” which may have been included with a pleading as averred in said paragraph were either provided to Plaintiff or, more likely, provided by Plaintiff. Defendant is without sufficient information to either admit or deny



said other averments which are hereby denied and strict proof of same is demanded.

16. With respect to the allegations of ¶ sixteen, Defendant is without sufficient information to either admit or deny said averments which are hereby denied and strict proof of same is demanded.

17. With respect to the allegations of ¶ seventeen, Defendant is without sufficient information to either admit or deny said averments which are hereby denied and strict proof of same is demanded.

18. With respect to the allegations of ¶ eighteen, Defendant is without sufficient information to either admit or deny said averments which are hereby denied and strict proof of same is demanded.

19. With respect to the allegations of ¶ nineteen, Defendant is without sufficient information to either admit or deny said averments which are hereby denied and strict proof of same is demanded.

20. With respect to the allegations of ¶ twenty, Defendant denies any and every allegation whatsoever regarding any misconduct, including the averment of “collusion”; and Defendant is without sufficient information to either admit or deny the other said averments which are hereby denied and strict proof of same is demanded.

21. With respect to the allegations of ¶ twenty one, Defendant is without sufficient information to either admit or deny said averments which are hereby denied and strict proof of same is demanded.

**CAUSE TWO**  
**FRAUDULENT LEGAL REPRESENTATION**

22. With respect to the allegations of ¶ twenty two, Defendant admits only that Defendant accepted legal representation of Plaintiff in the second lawsuit Plaintiff filed against Dovenmuhle Mortgage, Inc. et al, in the Circuit Court for Sevier County, Tennessee, Number 2011-0613-II, and in the LNV Corporation matter against Plaintiff, Number 3:12-CV-468, filed in this Court, and all other allegations are denied and strict proof of same is demanded.

23. With respect to the allegations of ¶ twenty three, averments which are hereby denied and strict proof of same is demanded.

24. With respect to the allegations of ¶ twenty four, averments which are hereby denied and strict proof of same is demanded.

25. With respect to the allegations of ¶ twenty five, averments which are hereby denied and strict proof of same is demanded.

26. With respect to the allegations of ¶ twenty six, averments which are hereby denied and strict proof of same is demanded.

27. With respect to the allegations of ¶ twenty seven, averments which are hereby denied and strict proof of same is demanded.

28. With respect to the allegations of ¶ twenty eight, averments which are hereby denied and strict proof of same is demanded.

29. With respect to the allegations of ¶ twenty nine, averments which are hereby denied and

strict proof of same is demanded.

30. With respect to the allegations of ¶ thirty, averments which are hereby denied and strict proof of same is demanded.

31. With respect to the allegations of ¶ thirty one, averments which are hereby denied and strict proof of same is demanded.

32. With respect to the allegations of ¶ thirty two, averments which are hereby denied and strict proof of same is demanded.

33. With respect to the allegations of ¶ thirty three, averments which are hereby denied and strict proof of same is demanded.

34. With respect to the allegations of ¶ thirty four, averments which are hereby denied and strict proof of same is demanded.

35. With respect to the allegations of ¶ thirty five, averments which are hereby denied and strict proof of same is demanded.

36. With respect to the allegations of ¶ thirty six, averments which are hereby denied and strict proof of same is demanded.

37. With respect to the allegations of ¶ thirty seven, Defendant is without sufficient information to either admit or deny said averments which are hereby denied and strict proof of same is demanded.

38. With respect to the allegations of ¶ thirty eight, Defendant is without sufficient information to either admit or deny said averments which are hereby denied and strict proof



of same is demanded.

39. With respect to the allegations of ¶ thirty nine, Defendant is without sufficient information to either admit or deny said averments which are hereby denied and strict proof of same is demanded.

40. With respect to the allegations of ¶ forty, Defendant is without sufficient information to either admit or deny said averments which are hereby denied and strict proof of same is demanded.

**CAUSE THREE**  
**FRAUDULENT MISAPPROPRIATION OF MORTGAGE PAYMENTS WITH**  
**INTENT TO DEFRAUD AND DEPRIVE PLAINTIFF OF DUE PROCESS WITH**  
**INTENT TO STEAL HER PROPERTY THROUGH COURT SANCTION**

41 - 48. With respect to the allegations of ¶ forty one through forty eight, Defendant is without sufficient information to either admit or deny said averments which are hereby denied and strict proof of same is demanded.

**CAUSE FOUR**  
**VOID JUDGMENT FAVORING LNV DUE TO FRAUD UPON THE COURT,**  
**ABUSE OF JUDICIAL DISCRETION AND JUDICIAL CRIMINAL**  
**MISCONDUCT**

49- 51. With respect to the allegations of ¶ forty nine through fifty one, Defendant is without sufficient information to either admit or deny said averments which are hereby denied and strict proof of same is demanded.

52. With respect to the allegations of ¶ fifty two Defendant denies any averments that

Defendant did anything improper whatsoever and strict proof of same is demanded; as to all other allegations Defendant is without sufficient information to either admit or deny said averments which are hereby denied and strict proof of same is demanded.

53. With respect to the allegations of ¶ fifty three Defendant denies any averments that Defendant did anything improper whatsoever and strict proof of same is demanded; as to all other allegations Defendant is without sufficient information to either admit or deny said averments which are hereby denied and strict proof of same is demanded.

54. With respect to the allegations of ¶ fifty four is without sufficient information to either admit or deny said averments which are hereby denied and strict proof of same is demanded.

55. With respect to the allegations of ¶ fifty five Defendant denies any averments that Defendant did anything improper whatsoever and strict proof of same is demanded; as to all other allegations Defendant is without sufficient information to either admit or deny said averments which are hereby denied and strict proof of same is demanded.

56. With respect to the allegations of ¶ fifty six Defendant denies any averments that Defendant did anything improper whatsoever and strict proof of same is demanded; as to all other allegations Defendant is without sufficient information to either admit or deny said averments which are hereby denied and strict proof of same is demanded.

57. With respect to the allegations of ¶ fifty seven Defendant denies any averments that Defendant did anything improper whatsoever and strict proof of same is demanded; as to all other allegations Defendant is without sufficient information to either admit or deny said



averments which are hereby denied and strict proof of same is demanded.

58. With respect to the allegations of ¶ fifty eight, Defendant is without sufficient information to either admit or deny said averments which are hereby denied and strict proof of same is demanded.

**CAUSE FIVE**  
**UNCONSTITUTIONAL AND CRIMINAL SALE OF PLAINTIFF'S PROPERTY**  
**IN VIOLATION OF HER CIVIL RIGHTS**

59. With respect to the allegations of ¶ fifty nine, Defendant is without sufficient information to either admit or deny said averments which are hereby denied and strict proof of same is demanded.

60. With respect to the allegations of ¶ sixty, Defendant is without sufficient information to either admit or deny said averments which are hereby denied and strict proof of same is demanded.

**PRAYER FOR RELIEF**

61. It is denied that Plaintiff is entitled to any relief whatsoever against Defendant and strict proof of same is demanded.

62. It is denied that Plaintiff is entitled to any relief whatsoever against Defendant and strict proof of same is demanded.

63. It is denied that Plaintiff is entitled to any relief whatsoever against Defendant and strict proof of same is demanded.

## OTHER

64. Plaintiff determined to ignore the legal advice of Defendant, and to pursue a crusade against various persons instead of permitting Defendant to protect Plaintiff's legal interests as Defendant proposed.

65. Defendant outlined what Defendant believed to be the proper manner of protecting Plaintiff's legal interests which would be successful, however, Plaintiff not only ignored Defendant's advice, but specifically instructed Defendant to not file the pleadings proposed by Defendant until Plaintiff could obtain certain forensic accounting reports.

66. Plaintiff's own actions and instruction to Defendant prohibiting Defendant to take action and file pleadings caused Plaintiff's problems.

67. Defendant, (a) when it became apparent that Plaintiff was obtaining legal advice from a group of persons not licensed to practice law; (b) when Plaintiff had documents drafted by a person or persons who were not licensed to practice law; (c) when Plaintiff refused to follow the legal advice of Defendant; (d) when Plaintiff's actions became so erratic and when Plaintiff's communications indicated Plaintiff would blame anyone for Plaintiff's problems including Defendant; and (e) when Defendant determined it was not possible to properly represent Plaintiff's interests, upon seeking advice from the Tennessee Board of Professional Responsibility, filed motions to withdraw as counsel of record for Plaintiff.

68. Defendant has been informed by a person or persons that Plaintiff asked said person or persons to sign a false affidavit regarding Defendant, thereby suborning perjury.

69. Any allegation of the Verified Complaint not specifically admitted or denied is hereby denied and strict proof of same is demanded.

70. As communicated to the Court previously, Defendant underwent surgery on August 18, 2015; and further, has not been able to work a full schedule since that time; and further, Defendant is scheduled for another surgery September 29, 2015; and has nevertheless attempted to properly respond in this matter.

71. It is not clear when Defendant will be able to return to a full work load and Defendant requests the Court take said circumstances into account when reviewing Defendant's responses and pleadings.

### **AFFIRMATIVE DEFENSES**

In addition to the foregoing specific responses, the Defendant asserts the following affirmative defenses:

#### **First Affirmative Defense**

The Defendant asserts the defense that the Complaint fails to state a claim against him upon which relief can be granted and should be, therefore, dismissed.

#### **Second Affirmative Defense**

The Defendant asserts the defense that Plaintiff should not be able to seek equity from this Court because of the doctrine of unclean hands, and because he who would have equity must do equity and must give effect to all equitable rights of the other party.



### **Third Affirmative Defense**

The Defendant asserts the defenses of laches, merger, waiver, estoppel, setoff, recoupment, acquiescence and release, and that Plaintiff's claims against Defendant are time barred.

### **Fourth Affirmative Defense**

The Defendant pleads that the acts and/or omissions of the Plaintiff and any future named Defendant and/or any acts or omissions that the Court may find against any Co-Defendants constitute superceding, intervening causes and bar any recovery by the Plaintiff against him.

### **Fifth Affirmative Defense**

The Defendant pleads that there are or may be actions or failure to act or omissions alleged in the Complaint which occurred outside of his knowledge and/or supervision and/or authority, and have not been pled with sufficient particularity as to give rise to or valid a claim.

### **Sixth Affirmative Defense**

The Defendant pleads that any fault assigned by the Court to present or any future named Co-Defendants will, under the doctrine of comparative fault, bar or reduce any recovery by the Plaintiff against the Defendants.

### **Seventh Affirmative Defense**

The Defendant pleads that there is not diversity between Plaintiff and Defendant and

this matter should be dismissed as to this Defendant.

**WHEREFORE**, having fully answered, the Defendant prays as follows:

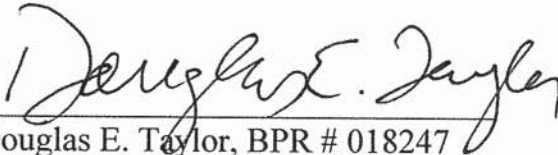
A. That the Plaintiff be denied any relief and that this action be dismissed as to the Defendant, with the costs assessed to the Plaintiff; and

B. That Plaintiff be required to pay all costs and attorneys' fees of the Defendant for his defense of this action; and

C. That the Defendant have such other and further relief as this Honorable Court deems just and property and necessary to afford justice in this cause.

**RESPECTFULLY** submitted this the 17<sup>th</sup> day of September 2015.

***DOUGLAS E. TAYLOR***

  
Douglas E. Taylor, BPR # 018247  
Defendant

***DOUGLAS E. TAYLOR, PC***  
121 Court Avenue  
Sevierville, Tennessee 37862  
(865) 428-6737

OATH

STATE OF TENNESSEE

COUNTY OF SEVIER

I, **DOUGLASE. TAYLOR**, individually, after having been duly sworn in accordance with law, state that the averments contained in the foregoing Answer are true and correct to the best of my knowledge, information and belief, and that the same are not made out of levity, but in sincerity and truth, and for the causes set forth therein.

DATED this the 17 day of September, 2015.

Douglas E. Taylor  
DOUGLAS E. TAYLOR

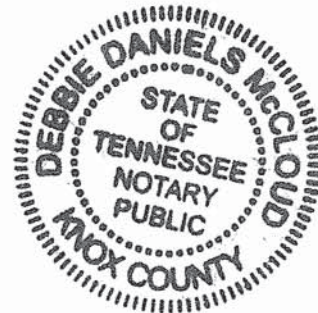
SWORN TO AND SUBSCRIBED before me

this the 17<sup>th</sup> day of September, 2015.

Debbie Daniels McCloud  
NOTARY PUBLIC

My Commission Expires:

07/01/2018





## **CERTIFICATE OF SERVICE**

I, **Douglas E. Taylor**, hereby certify that a true and exact copy of the foregoing pleading has been forwarded to:

**Catherine Gebhardt  
3753 Thomas Cross Road  
Sevierville, Tennessee 37876**

**Beal Financial Corporation  
6000 Legacy Drive  
Plano, Texas 75024**

**Lorraine Brown  
Women's Huron Valley Correctional Facility  
Michigan Department of Corrections  
c/o Warden Anthony Stewart  
3201 Bemis Road  
Ypsilanti, Michigan 48197-0911**

**Jerry Kerley  
United States Penitentiary  
McCreary (USP McCreary)  
330 Federal Way  
Pine Knot, Kentucky 42635**

**Joyce Linger  
202 Simmons Street  
Spencer, West Virginia 25276**

This the 17<sup>th</sup> day of September, 2015.

  
\_\_\_\_\_  
Douglas E. Taylor